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4                   UNITED STATES DISTRICT COURT  
5                   EASTERN DISTRICT OF WASHINGTON  
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7                   UNITED STATES OF AMERICA,                   }  
8                                  Plaintiff,                           }  
9                   vs.   }  
10                   \$18,435.00 U.S. CURRENCY,                   }  
11                                  Defendant.                   }

CV-11-5082-RMP

Final Order of Forfeiture

11                 Plaintiff, United States of America, alleged in a Verified Complaint for  
12 Forfeiture In Rem that the Defendant currency is subject to forfeiture to the United  
13 States pursuant to 21 U.S.C. § 881. ECF No. 1.

14                 The Court has jurisdiction over this matter by virtue of 28 U.S.C. §§ 1345  
15 and 1355. Venue is proper pursuant to 28 U.S.C. § 1395.

16                 The defendant property being forfeited is described as follows:

17                 \$18,435.00 U.S. Currency, seized by FBI from Rigoberto Jose Villa  
18 Meraz and Francisco Villa Meraz, on or about 23, 2010, at 1705 West  
2<sup>nd</sup> Avenue, in Kennewick, Washington.

19                 On May 26, 2011, the Clerk's office issued the Warrant of Arrest In Rem,  
20 pursuant to the Court's order of the same date. ECF No. 3.

21                 On June 13, 2011, the Warrant of Arrest In Rem was returned executed.  
22 ECF Nos. 5 and 6.

23                 Notice of Civil Forfeiture Action was posted on the official government  
24 website between May 16, 2011 and June 14, 2011, as required by Rule  
25 G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and  
26 Asset Forfeiture Actions, as evidenced by the Notice of Publication filed herein on  
27 June 15, 2011. ECF No. 10. At the latest, the claim period expired on July 15,  
28 2011.

1       On June 13, 2011, potential claimants were served via certified mail and/or  
 2 regular mail, with copies of the Notice of Complaint, Verified Complaint for  
 3 Forfeiture In Rem, and Warrant of Arrest In Rem, as evidenced by the Certificates  
 4 of Service of Notice by Mail filed herein. The notices include clear instructions  
 5 on how to file a claim, claim contents, and the claim deadline. The claim  
 6 deadlines were July 18, 2011 ECF Nos. 7 - 9. To date, no claims have been  
 7 received.

8       On June 16, 2011, potential claimant Jose Rigoberto Villa Meraz was  
 9 served directly via certified mail and also in care of his attorney, Todd V. Harms,  
 10 via certified mail, with copies of the Notice of Complaint, Verified Complaint for  
 11 Forfeiture In Rem, and Warrant of Arrest In Rem, as evidenced by the Certificate  
 12 of Service of Notice by Mail filed herein on June 16, 2011. ECF No.11. His  
 13 claim was due on July 21, 2011.

14       On July 22, 2011, the United States filed Notices of Motion for Default  
 15 which were served via certified mail, return receipt requested, upon Jose  
 16 Rigoberto Villa Meraz, Catalina Villa Meraz, Cristina Esparaza, and Francisco  
 17 Villa Meraz. ECF Nos. 12 - 15. To date, no responses have been received from  
 18 Catalina Villa Meraz, Cristina Esparaza, and Francisco Villa Meraz.

19       On August 5, 2011, Jose Rigoberto Villa Meraz filed a late claim. ECF No.  
 20 16. Based on the filing date, Mr. Villa-Meraz's answer or Rule 12 motion was due  
 21 no later than September 26, 2011.

22       On August 24, 2011, Jose Rigoberto Villa Meraz filed a motion to stay the  
 23 forfeiture proceedings. ECF No. 17.

24       On October 3, 2011, the United States filed Motion(s) for Default as to  
 25 Catalina Villa Meraz, Cristina Esparaza, and Francisco Villa Meraz. ECF Nos. 20  
 26 - 25.

27       On October 5, 2011, the Clerk entered default orders as to Catalina Villa  
 28 Meraz, Cristina Esparaza, and Francisco Villa Meraz. ECF Nos. 26 - 28.

1 On October 17, 2011, the Court filed an order denying as moot Jose  
2 Rigoberto Villa Meraz's motion to stay forfeiture proceedings. ECF No. 29.

3 On December 6, 2011, the United States filed a motion to strike the claim of  
4 Jose Rigoberto Villa Meraz. ECF Nos. 30 - 33.

5 On March 21, 2012, the Court entered an Order granting the United States'  
6 motion to strike claim, striking Claimant Jose Rigoberto's claim. ECF No. 34.

7 It appearing to the Court that any and all potential claimant's interest in the  
8 defendant property has been resolved through the entry of the Clerk's Order of  
9 Default and the Court's Order Granting the United States' Motion to Strike Claim;

10 It also appearing to the Court that no timely claims have been made to the  
11 defendant property;

12 IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the  
13 defendant property is hereby forfeited to the United States of America, and no  
14 right, title, or interest shall exist in any other person.

15 IT IS FURTHER ORDERED that the United States shall dispose of the  
16 forfeited defendant property in accordance with law.

17 DATED this 2nd day of April, 2012.



18  
19 Rosanna Malouf Peterson  
20 Chief United States District Judge  
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22 Presented by:

23 Michael C. Ormsby  
United States Attorney

24 s/James A. Goeke

25  
26 James A. Goeke  
Assistant United States Attorney  
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